

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cr-00211-FDW-DCK

UNITED STATES OF AMERICA,

vs.

DOMINIC DEMARCUS STEELE,

Defendant.

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ORDER

This matter is before the Court on Defendant's "Unopposed Motion for Continued Release Pending Appeal" (Doc. No. 27) and "Supplement to Unopposed Motion for Continued Release Pending Appeal" (Doc. No. 31). In both motions, Defendant contends "The government does not oppose this motion." Under 18 U.S.C. § 3143(b), the Court may order "release or detention pending appeal by the defendant" only if certain conditions are met, including a finding by the Court that the appeal is likely to result in " (i) reversal, (ii) an order for a new trial, (iii) a sentence that does not include a term of imprisonment, or (iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process." The Court is perplexed as to which, if any, of these conditions the Government concedes here by not opposing the motion, particularly given the positions the Government took during sentencing, including a specific request for a term of imprisonment.

IT IS THEREFORE ORDERED that the Government shall file a responsive pleading indicating the basis for not opposing the pending motions no later than October 10, 2017; and Defendant may file any reply within three (3) days of Government's response, but no later than October 13, 2017.

IT IS SO ORDERED.

Signed: October 5, 2017



Frank D. Whitney
Chief United States District Judge

